

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**FRANKLIN CONSTRUCTION GROUP, LLC, )**

**Plaintiff, )**

**v. )**

**WILLIAM SHORE, JWSC, LLC, KEITH )**

**MEADOWS, JOSEPH HEATH, HYDS INC., )**

**DEAN BINGHAM, LUNDON JOHNSON, )**

**TYLER WEBER, JOEL CHEVRETTE, )**

**DANNY KNOWLES, SCOTT MATTHEWS, )**

**and LOWE'S HOME CENTERS, INC., )**

**Defendants. )**

**Case No. 3:24-cv-01255**

---

**DEFENDANT LOWE'S HOME CENTERS, INC.'S  
PARTIAL MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

---

According to the Complaint, Franklin Construction Group, LLC's Vice President of Residential Construction Operations, William Shore, concocted an elaborate scheme to overcharge Franklin and profit off the difference. According to the Complaint, Shore successfully defrauded Franklin for more than two years before Franklin fired Shore for poor performance and launched an investigation into Shore's scheme. After that investigation, Franklin now believes Shore used Franklin to fund his side businesses through an elaborate scheme where he would submit Franklin's plans to Lowe's, overestimate the materials needed for the plans through his position as an independent estimator under a different name, and then approve Franklin's payment for those plans, apparently with no one at Franklin overseeing or checking his work or expenditures.

Franklin brought this suit against everyone who touched Shore's scheme, including Lowe's Home Centers, Inc.<sup>1</sup> However, as against Lowe's, several of Plaintiff's claims do not withstand the scrutiny required by the Federal Rules of Civil Procedure. The Tennessee Consumer Protection Act claim against Lowe's should be partially dismissed because Plaintiff filed it outside the one-year applicable statutes of limitations.<sup>2</sup> Moreover, Plaintiff's civil RICO and fraud claims against Lowe's should be dismissed under the heightened Rule 9(b) pleading standard because there is no allegation that Lowe's actively participated in any fraudulent scheme or intended to profit off the scheme. And Plaintiff's conversion claim should be dismissed because it does not identify a tangible chattel that Lowe's converted.

---

<sup>1</sup> There is no entity named Lowe's Home Centers, Inc. Lowe's Companies, Inc., is the current or former employer of the six Lowe's Individual Defendants.

<sup>2</sup> The remaining claims may be fully or partially time-barred under the discovery rule, but that is a question for discovery and so not a subject of this motion.

Thus, as set out more fully in the accompanying memorandum, Lowe's respectfully requests that the Court dismiss five of the eight causes of action that name Lowe's as a defendant: Counts I, II, IX, X, and XI of the Complaint.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.**

/s/ Scott D. Carey

Gary C. Shockley (BPR 010104)  
Scott D. Carey (BPR 015406)  
Ryan P. Loofbourrow (BPR 033414)  
1600 West End Avenue, Suite 2000  
Nashville, Tennessee 37203  
(615) 726-5704 (phone)  
(615) 744-5704 (fax)  
gshockley@bakerdonelson.com  
scarey@bakerdonelson.com  
rloofbourrow@bakerdonelson.com

*Attorneys for Defendant Lowe's Home  
Centers, Inc.*

### **CERTIFICATE OF SERVICE**

I hereby certify under Rule 5 of the Federal Rules of Civil Procedure that a true and exact copy of the foregoing *Defendants' Partial Motion to Dismiss for Failure to State a Claim* was served on the following counsel of record via operation of the Court's electronic filing system:

Todd E. Panther  
Christopher C. Sabis  
Thomas B. Hall  
SHERRARD ROE VOIGT & HARBISON, PLC  
1600 West End Avenue, Suite 1750  
Nashville, TN 37203  
(615) 742-4200 - telephone  
(615) 742-4539 - fax  
tpanther@srvhlaw.com  
csabis@srvhlaw.com  
thall@srvhlaw.com  
*Attorneys for Franklin Construction Group, LLC*

Don L. Hearn, Jr.  
Glankler Brown, PLLC  
6000 Poplar Ave., Ste 400  
Memphis, TN 38119  
[dhearn@glankler.com](mailto:dhearn@glankler.com)

Nadine Alsaadi  
Roxborough Pomerance Nye & Adreani, LLP  
5900 Canoga Ave., Ste 450  
Woodland Hills, CA 91367  
[na@rpnalaw.com](mailto:na@rpnalaw.com)

Joseph C. Gjonola  
[jcg@rpnalaw.com](mailto:jcg@rpnalaw.com)

Nicholas P. Roxborough  
Robbins Geller Rudman & Dowd LLP  
420 Lexington Ave., Ste 1832  
New York, NY 10170  
[npr@rpnalaw.com](mailto:npr@rpnalaw.com)  
*Attorneys for Keith Meadows, Joseph Heath, and HYDS, Inc.*

Jerry E. Martin  
Matthew Edward McGraw  
Seth Marcus Hyatt  
Barret Johnston Martin & Garrison, LLC  
200 31<sup>st</sup> Avenue North  
Nashville, TN 37203

[jmartin@barrettjohnston.com](mailto:jmartin@barrettjohnston.com)  
[mmcgraw@barrettjohnston.com](mailto:mmcgraw@barrettjohnston.com)  
[shyatt@barrettjohnston.com](mailto:shyatt@barrettjohnston.com)

*Attorneys for Keith Meadows and HYDS, Inc.*

Scarlett Singleton Nokes  
R. Bradley Bundron  
Bradley Arant  
1221 Broadway, Ste 2400  
Nashville, TN 37203  
[snokes@bradley.com](mailto:snokes@bradley.com)  
[bbundren@bradley.com](mailto:bbundren@bradley.com)  
*Attorneys for Dean Bingham*

Darrick Lee O'Dell  
Spicer Rudstrom, PLLC  
220 Athens Way, Ste 450  
Nashville, TN 37228  
[dodell@spicerfirm.com](mailto:dodell@spicerfirm.com)

Robert J. Uhorchuk  
Nicholas C. Stevens  
Spicer Rudstrom, PLLC  
537 Market Street, Ste 203  
Chattanooga, TN 37402  
[rju@spicerfirm.com](mailto:rju@spicerfirm.com)  
[nstevens@spicerfirm.com](mailto:nstevens@spicerfirm.com)  
*Attorneys for Landon Johnson, Joel Chevrette, and Danny Knowles*

Dated January 14, 2025.

/s/ Scott D. Carey

Scott D. Carey